

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT L. DYKES,

Plaintiff,

Case Number: 5:13-13812

HONORABLE JOHN CORBETT O'MEARA

v.

McROBERTS, ET AL.,

Defendants.

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

Michigan state prisoner Robert L. Dykes filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. He alleged that he was denied due process during the prison grievance process and during prison misconduct proceedings. Plaintiff named seven defendants, all employees of the Michigan Department of Corrections. The Court dismissed the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) for failure to state a claim upon which relief may be granted. Now before the Court is Petitioner's motion for reconsideration.

Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest or plain." *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004). Plaintiff's arguments for reconsideration amount only to a disagreement with the

Court's decision. A motion predicated upon such argument fails to allege sufficient grounds upon which to grant reconsideration. L.R. 7.1(h)(3); *see also, Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998). Plaintiff fails to demonstrate that the Court's decision was based upon a palpable defect by which the Court was misled.

The Court DENIES Plaintiff's Motion for Reconsideration [dkt. # 5].

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: June 30, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 30, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager